

REMARKS/ARGUMENTS

Original claims 1 – 18 have been cancelled and replaced by new claims 19 – 35.

The Examiner's reconsideration of the objection to the drawing is respectfully requested. The reference character 61 refers to a "friction shoe" and is used consistently for that identification throughout the several figures of the drawing. Reference character 64 is used throughout the drawings to identify a "lower load bar." Reference character 67 is used throughout the drawings to identify an "upper load bar." However, the reference character 64 was used incorrectly in the specification paragraphs [0023] in lieu of reference character 61 and again in paragraph [0027] in lieu of reference character 67. The specification is hereby amended to correct these inaccurate uses of the reference character 64.

Original claims 1 – 18 were rejected under 35 USC §102(b) as anticipated by the French Invention Publication No. FR 2 652 262 – A1. Original claims 1 – 18 were further rejected under 35 USC §102(b) as anticipated by US Patent No. 5,148,557 to V. Fridman et al. Original claims 12 – 18 were also rejected under 35 USC §102(b) as anticipated by US Patent No. 5,411, 044 to A. Andolfi.

The French Invention Publication discloses a personal assistance apparatus uniquely designed to assist an invalid bathing process. A vertically translated seat 32 is suspended by cables 18 threaded over pulleys 22 secured to a vertical rail frame 18. The entire rail frame and seat structure is secured at one distal end of a wheel supported base frame. The rail frame includes the capacity to lower the seat structure to and below a wheel support plane as illustrated by Figure 1 which shows the seat in a bathing pool immersion position. However, the location of the seat traversal path described by the French Publication is outside of the stability perimeter of the apparatus support wheels 6 and 7. Ordinary practitioners of the mechanical engineering arts would immediately recognize the necessity for a moment balance analysis about the front wheels 6 to prevent a catastrophic rotation of the apparatus

about the front wheel axis in the event that the load moment on the seat 32 (which is variable) exceeds the fixed load moment of the base frame. Hence, the French Invention Publication does not, in fact, anticipate Applicant's invention as described by new claims 19 - 35.

U.S. Patent No. 5,148,557 to V. Fridman et al describes an apparatus for lifting an invalid from a chair and supporting the invalid during a subsequent transport process. The Fridman et al disclosure presented at column 7, lines 6 – 58 clearly describes a procedure for removing an invalid from a “**chair**”. The seat structure 160 (Fig. 6) is removably attached to the lifting tube 70 by means of lifting arms 74 (column 5, lines 6 – 9). The lifting tube 70 translates within the hollow tube support column 240 (column 6, lines 47 – 55). As is obvious from the Fig. 1 illustration of the V. Fridman et al disclosure, the lifting tube 70 may be lowered no further than the upper end of the support column 240 which is considerably above and beyond “contiguous” proximity of the floor support surface. The Random House College Dictionary, 1st Ed., defines “contiguous” as “1. touching; in contact”. Original claims 1 – 18 described Applicants’ invention as having the capacity for a “contiguous” relationship to a respective support floor. Applicants’ new claims 19 - 35 continue that claimed relationship. Clearly, the V. Fridman et al disclosure includes no structure or teaching of structure that will position a seating surface “contiguous” of a floor surface. Consequently, Applicants’ remain mystified by such construction the Examiner may be interpreting from the Fridman et al disclosure to justify the conclusion that the “drive mechanism (70, 260)” of Fridman can “translate said load platform along said mast substantially to and from a floor surface engagement position.” The load platform of Fridman et al is incapable of approaching the floor surface with sufficient proximity to be **credibly** characterized as ‘contiguous’.

U.S. Patent No. 5,411,044 to A. Andolfi describes a “walker” apparatus for assisting an ambulatory individual to rise from a chair seating position to an erect standing position. The “load platforms” of Andolfi are crutch support pads 137 secured to the upper distal ends of a telescoping post 135. The telescoping post 135 is axially translated within a second post 133 and rotatively driven along the second

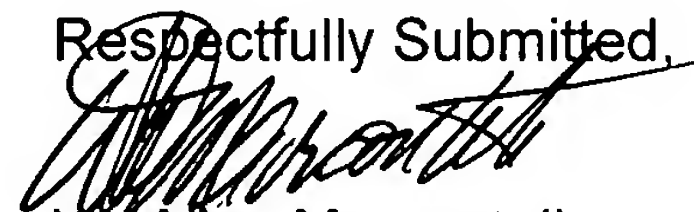
post axis by screw shaft 105c. As in the case of the Fridman et al disclosure, the capacity of the Andolfi apparatus to place a lifting surface downwardly toward a floor support surface is limited to the length of the second post 133. The crutch support pads 137 may be lowered toward the floor only to the upper distal end of the second post 133. There is absolutely nothing in the Andolfi disclosure to suggest that the load platforms 137 of Andolfi may be "translated to a floor surface engagement position" as required by original claims 12 – 18.

To eliminate any possibility of ambiguity or misinterpretation of the clearly graphic disclosure presented by Applicant's Figures 1, 2 and 3, paragraphs [0010], [0014] and [0033] have been amended to describe the structural relationships of those Figures in greater detail. There can be no question that the four support points of wheels 12, 13, 14 and 15 illustrated by Figures 1, 2, and 3 geometrically define a closed perimeter. It is also an irrefutable given that a closed perimeter defines an area within the perimeter. To clearly characterize the area within the wheel support point perimeter, Applicants' have amended the specification at paragraph [0014] to adopt the descriptive term "stability area." Within this "stability area", the translational axis 32 of Applicants' linear actuator is now claimed as intersecting the floor surface.

In like manner, Applicants' paragraph [0033] has been amended to include an express definition of "continuous" that is consistent with the previously cited dictionary definition and the clear, graphic representation of Figures 2 and 3.

In view of the foregoing amendments, remarks and analysis of the cited prior art, Applicants respectfully request the Examiner's reconsideration of the invention as defined by new claims 19 – 35.

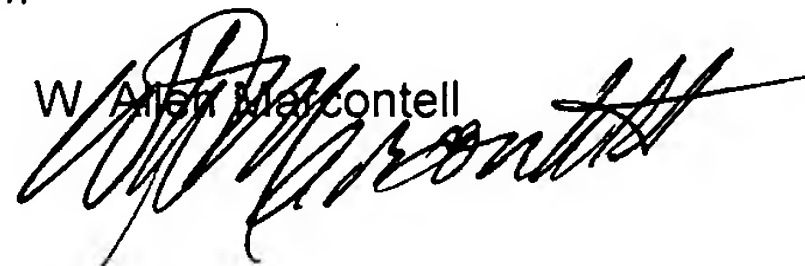
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Respectfully Submitted,

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CERTIFICATE OF MAILING UNDER 37 CFR §1.8(a)

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W. Allen Marcontell

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